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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 JUAN M. BUSTOS,

No. C 04-01173 CRB

12 Plaintiff,

ORDER

13 v.

14 TOM RIDGE,

15 Defendant.
16 _____/

17 Now pending before the Court is plaintiff's motion for leave to file a Third Amended
18 Complaint. Plaintiff contends that his Third Amended Complaint (1) eliminates a cause of
19 action based on the discriminatory impact of defendant's use of the Promotional Assessment
20 Test (PAT), and (2) adds an EEO administrative claim that was recently exhausted.
21 Defendant does not oppose the above amendments, but claims that the Third Amended
22 Complaint does more; in particular, defendant argues that additional amendments revive
23 settled and unexhausted claims.

24 Plaintiff did not file a reply memorandum to defendant's opposition. Accordingly,
25 plaintiff is ordered to meet and confer with defendant regarding plaintiff's proposed Third
26 Amended Complaint. On or before noon on Thursday, October 6, 2005, the parties shall
27 jointly advise the Court in writing as to the outcome of their meet and confer. Unless the
28 parties reach a stipulation as to the proposed amendments, they shall still

appear at 10:00 a.m. on October 7, 2005 for the hearing on plaintiff's motion for leave.

IT IS SO ORDERED.

Dated: October 3, 2005



CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE